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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,524	07/19/2004	Chih-Tao Hsieh	ATEN/P114	4523

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EXAMINER	
FORD, GRANT M	

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
10/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/710,524	HSIEH ET AL.	
	Examiner	Art Unit	
	GRANT FORD	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/5/2009 have been fully considered but they are not persuasive. Applicant argued in substance that –

(A) The prior art of Intel fails to disclose a IPMI command engine module that is capable of directly encoding a loaded test program into IPMI commands and executing the IPMI command.

2. As to point (A), Applicant argues that the prior art of Intel discloses a prior art system similar to the prior art mentioned in the background section of the instant application. Applicant argues that the prior art of Intel still requires and utilizes a TCL interpreter to decode the program and transport it into another support command. However, there is no limitation present in independent claims 1 and 7 which precludes the use of a TCL interpreter. Rather, the TCL interpreter of Intel meets the claimed limitation of an IPMI command engine module capable of directly encoding the loaded program into IPMI commands and executing the IPMI commands. For example, Intel discloses IPMI Conformance Test Suite (ICTS) which utilizes Tcl or C routines for testing IPMI conformance according to a specified ruleset across IPMI connections (Sections 1.3.2, 3.2.1, Figures 2-6 and 2-7). Further, regarding Applicant's argument that the prior art of Intel fails to disclose "directly encoding" a loaded test program into an IPMI command and executing the command, Intel discloses directly encoding a

loaded test program into an IPMI command and executing the command as shown at Sections 1.4.1, 3.2, 3.2.2-3.2.3, and 4.1.1 – see Wish for interpreting .tcl configuration files and performing IPMI command conformance testing across IPMI, and Figures 2-1 and 2-6. Accordingly, Applicant's arguments are not found to be persuasive. Applicant's arguments with respect to dependent claims 5, 6, and 11 substantially point back to arguments made with respect to independent claims 1 and 7 and as such are addressed above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Intel (*Intelligent Platform Management Interface (IPMI) Condensed User's Guide*).

a. As per claims 1 and 7, Intel discloses an intelligent platform management interface (IPMI) validating system optimally used between a host system having an IPMI, and an operating terminal, comprising:

a user interface generating output of a frame having a plurality of menus with optional items via the operating terminal wherein at least one of the optional items

allows a user to load a test program for validating the IPMI (Figure 1-1, Section 2.2.3, Section 5.1, Section 6.1);

an IPMI command engine module capable of directly encoding the loaded test program into IPMI commands and executing the IPMI commands (Sections 3.2.1-3.2.3);

an IPMI command management unit receiving the IPMI commands and transmitting each IPMI command to a channel assigned by the user (Figures 2-13 and 2-14, Page 23 – see transport order, Page 24 – see default interface); and

a channel management unit having a plurality of channel protocol conversion elements for transforming the IPMI command into a message conforming to the assigned channel and sending the message to the IPMI of the host system for validation (Section 3.2, Section 3.2.2-Section 3.2.3).

b. As per claims 2 and 8, Intel discloses wherein one of the menus generated by the user interface includes at least an open mode item for allowing the user to load a predefined test program, and an optional mode item for loading a default test program to implement fast validation (Figures 2-6 and 2-7, Section 2.2.3).

c. As per claims 3 and 9, Intel discloses wherein the user interface further provides at least one channel item for the user to assign (Table 6-2 note *enable message channel receive* and *get message & send message*).

d. As per claims 4 and 10, Intel discloses wherein the default test program includes a system event log (SEL) test program (Figure 2-7, Table 6-6), a watchdog test program (Figure 2-7, Table 6-3), a sensor data record (SDR) test program (Figure 2-7,

Table 6-7), a chassis test program (Figure 2-7, Table 6-4) and a field replaceable unit (FRU) test program (Figure 2-7, Table 6-8).

e. As per claim 12, Intel discloses sending a corresponding validation result back from IPMI along said assigned channel to the user interface for output browsing and storing the result (Section 1.1, Section 1.3.1, Section 3.5.6.1 – see Target_LogFile, Page 16 Paragraph 1, Page 21 Paragraph 1 – see screen capture).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Intel in view of Official Notice.

a. As per claim 5, Intel discloses the invention substantially as claimed above. Additionally, Intel discloses wherein the command engine module is a compiled executable (Page 16 Paragraph 1). However, Intel fails to explicitly disclose that the command engine module was coded in the Delphi programming language. Official Notice is taken that both the concept and advantages of programming a command engine module in the Delphi programming language are well known and expected in the art. One of ordinary skill in the art would recognize that the implementation of a

command engine module is not dependent upon programming said command engine module in the Delphi programming language. Nevertheless, one of ordinary skill in the art would have found it obvious to use the Delphi programming language for the purposes of faster optimization during compile time, the ability to compile to a single standalone executable, and creating multiple platform native code from the same source code.

7. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intel in view of Laurie (IPMItool Command-line Management of Intelligent Devices).

a. As per claims 6 and 11, Intel discloses the invention substantially as claimed above. Additionally, Intel discloses wherein the channel protocol conversion elements include at least an intelligent platform management bus (IPMB) protocol element, a keyboard control style interface (KCS) protocol element, and a universal asynchronous receiver/transmitter (UART) protocol element (Sections 1.4.1, 3.2.4-3.2.5, and 4.1.1). However, Intel fails to explicitly disclose the use of a remote management control protocol (RMCP) element.

Laurie teaches wherein a channel protocol conversion element includes the use of a RMCP element (Page 2 – see LAN Interface). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of RMCP protocol conversion with the prior art of Intel. One of ordinary skill in the art would have done so for the purpose of increasing the compatibility between

management applications in heterogeneous environments (Page 2 – see LAN Interface).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT FORD whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. F./
Examiner, Art Unit 2442

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2455